

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNNY LEE HAMILTON,

Defendant.

CR-14-84-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on December 4, 2018. (Doc. 75.) The United States accused Johnny Lee Hamilton of violating his conditions of supervised release by failing to report to the United States Probation office within 72 hours of his release from imprisonment. (Doc. 70 at 1-2.)

Judge Johnston entered Findings and Recommendations in this matter on December 5, 2018. (Doc. 78.) Hamilton waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 3. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violation proves serious and warrants revocation of Hamilton's supervised release. Judge Johnston has recommended that the Court revoke Hamilton's supervised release and commit Hamilton to the custody of the Bureau of Prisons for a term of time served with no supervised release to follow. (Doc. 78 at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Hamilton's violation of his conditions represents a serious breach of the Court's trust. A sentence of time served with no supervised release to follow represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 78) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Johnny Lee Hamilton be sentenced to time served with no supervised release to follow.

DATED this 6th day of December, 2018.



Brian Morris
United States District Court Judge